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Act I

**UNIFORM MOTOR VEHICLE
REGISTRATION ACT**

**UNITED STATES DEPARTMENT OF AGRICULTURE
BUREAU OF PUBLIC ROADS**

800.

Act I

CONSISTING OF

- As revised and approved by the Third National Conference on Street and Highway Safety, May 27-29, 1930; the National Conference of Commissioners on Uniform State Laws, August 11-16, 1930; and the American Bar Association, August 20-22, 1930

The seal of the United States Department of Agriculture is circular. It features a central shield with a plow, a sheaf of wheat, and a cotton plant. The shield is surrounded by a wreath. The outer ring of the seal contains the text "UNITED STATES DEPARTMENT OF AGRICULTURE". Below the shield, there is a banner with the motto "QUI PRO DOMINA RE PUBLICA SEQUITUR" and the year "1862".

UNIFORM MOTOR VEHICLE
REGISTRATION ACT

This Act is part of a
Uniform Vehicle Code

Commission on

I.—A Uniform Motor Vehicle Registration Act

II.—A Uniform Motor Vehicle Title Act

III.—A Uniform Motor Vehicle Insurance and Guaranty

Act

IV.—A Uniform Act Relating to Traffic on Highways

PUBLISHED UNDER AUTHORITY CONTAINED IN
THE FEDERAL HIGHWAY ACT (42 STAT. 212)

APPROVED NOVEMBER 9, 1921

U. S. DEPARTMENT OF AGRICULTURE
BUREAU OF PUBLIC ROADS



UNITED STATES
GOVERNMENT PRINTING OFFICE
WASHINGTON: 1921



FOREWORD

The foundation of uniform traffic regulation is the State law. The proposed act here presented is one of four acts which constitute the uniform vehicle code proposed for State enactment.

The code was originally prepared in 1925-26 by the Committee on Uniformity of Laws and Regulations of the National Conference on Street and Highway Safety in cooperation with a committee of the National Conference of Commissioners on Uniform State Laws. It adopted many provisions of existing State laws, a thorough study of which had previously been made.

The proposed code was considered in detail and certain revisions were made by the Second National Conference on Street and Highway Safety held in March, 1926. It was subsequently indorsed by the commissioners on uniform State laws and the American Bar Association.

President Hoover, as chairman of the National Conference on Street and Highway Safety when the code was originally drafted in 1926, said:

"This proposed code was formulated with the widest cooperation of those having understanding and experience in these matters, with a view to advancing uniformity in our traffic laws and regulations. The urgency of such action requires no emphasis from me. It has been demanded from every State in the Union. Without uniformity in essential laws and regulations, reduction in loss of life, personal injury, and property damage upon our streets and highways is virtually impossible."

The code has been adopted in whole or substantial part, or has been used as the basis for revision of existing motor vehicle laws, by approximately half of the States.

Subsequent to the issuance of the code and in response to widespread demand for further uniform standards for municipalities in matters not covered by the code, there were developed a model municipal traffic ordinance and a Manual on Street Traffic Signs, Signals, and Markings. The former, prepared by a committee of the conference in 1927-28, has been adopted in a substantial number of cities and towns, while three States—New Jersey, New York, and Wisconsin—have incorporated most of it in their State laws. The latter, prepared for the conference in 1927-1930 by the American Engineering Council in harmony with the Manual of Standard Road Markers and Signs adopted for use on rural highways by the American Association of State Highway Officials and the United States Bureau of Public Roads, has also been followed in numerous municipalities.

There has thus been developed considerable experience in the actual operation of the code, ordinance, and standard signs, signals, and markings. During 1929 and 1930 the committee on uniform traffic regulation of the conference reviewed them in the light of this

experience and of changed traffic conditions. The committee found that they have been distinctly successful, but recommended certain changes to meet present conditions more fully.

The important changes are not numerous. Among them are the inclusion in the code for State adoption of numerous provisions heretofore carried only in the model ordinance, improvement of the rules governing right of way and turns at intersections, modernization of the operating rules for wide roadways, broadening of the vehicle licensing reciprocity provisions to include commercial vehicles, simplified classification of permissible wheel and axle loads, and revision of the speed regulations to place more definitely upon the driver responsibility for operation at speed safe under the conditions.

Revised drafts of the code, ordinance, and manual were given widespread distribution for the purpose of securing criticism and suggestions prior to the Third National Conference on Street and Highway Safety held on May 27, 28, 29, 1930. That conference, which was participated in by delegates from nearly every State in the Union, including official representatives appointed by the governors of 42 States, considered in detail the revised drafts and, after making certain further changes, unanimously approved and recommended them to the States and municipalities.

In August, 1930, the National Conference of Commissioners on Uniform State Laws and the American Bar Association at their annual meetings indorsed the revised drafts of the four acts with certain minor changes in legal phraseology which have been incorporated in this printing of the code.

The amended Act I of the code (Uniform Motor Vehicle Registration Act) is here presented.

Explanatory notes setting forth the purpose of each provision follow the text of the act

ROBERT P. LAMONT,
*Secretary of Commerce, Chairman, National
Conference on Street Highway Safety.*

WASHINGTON, D. C., *October 24, 1930.*

NOTE.—The following associations have cooperated with the Department of Commerce in organizing and financing the conference: American Automobile Association, American Electric Railway Association, American Mutual Alliance, American Railway Association, Chamber of Commerce of the United States, Motor and Equipment Association, National Association of Taxicab Owners, National Automobile Chamber of Commerce, National Bureau of Casualty and Surety Underwriters, National Safety Council, and Rubber Manufacturers' Association. The Automobile Club of Southern California made substantial contributions to the staff work on the Uniform Vehicle Code.

ACT I.—UNIFORM MOTOR VEHICLE REGISTRATION ACT

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ACT I.—UNIFORM MOTOR VEHICLE REGISTRATION ACT

TITLE OF ACT

An act to require the registration of motor vehicles, trailers, and semitrailers and to require the payment of fees thereupon and to require report to be made of any accident involving a vehicle and to impose certain duties and obligations upon the owners of motor vehicles rented without drivers, and to prevent the taking, transfer of, or injury to any vehicle without the consent of the owner; to provide for the office of vehicle commissioner and a department of motor vehicles and their powers and duties hereunder; to regulate court procedure in certain civil actions arising under this act; to provide penalties for violations of this act and to make uniform the law relating to the subject matter of this act.

Be it enacted, * * *

ARTICLE I

DEFINITION OF TERMS

SECTION 1. *Definitions.*—The following words and phrases when used in this act shall, for the purpose of this act, have the meanings respectively ascribed to them in this section except in those instances where the context clearly indicates a different meaning.

(a) *Vehicle.*—Every device in, upon or by which any person or property is or may be transported or drawn upon a public highway, excepting devices moved by human power or used exclusively upon stationary rails or tracks.

(b) *Motor vehicle.*—Every vehicle, as herein defined, which is self-propelled.

(c) *Motor cycle.*—Every motor vehicle designed to travel on not more than three wheels in contact with the ground, except any such vehicle as may be included within the term "tractor" as herein defined.

(d) *Truck tractor.*—Every motor vehicle designed and used primarily for drawing other vehicles and not so constructed as to carry a load other than a part of the weight of the vehicle and load so drawn.

(e) *Farm tractor.*—Every motor vehicle designed and used primarily as a farm implement for drawing plows, mowing machines, and other implements of husbandry.

(f) *Road tractor.*—Every motor vehicle designed and used for drawing other vehicles and not so constructed as to carry any load thereon independently or any part of the weight of a vehicle or load so drawn.

(g) *Trailer.*—Every vehicle without motive power designed to carry property or passengers wholly on its own structure and to be drawn by a motor vehicle.

(h) *Semitrailer*.—Every vehicle of the trailer type so designed and used in conjunction with a motor vehicle that some part of its own weight and that of its own load rests upon or is carried by another vehicle.

(i) *Specially constructed vehicle*.—Any vehicle which shall not have been originally constructed under a distinctive name, make, model, or type by a generally recognized manufacturer of vehicles.

(j) *Essential parts*.—All integral parts and body parts, the removal, alteration, or substitution of which will tend to conceal the identity or substantially alter the appearance of the vehicle.

(k) *Reconstructed vehicle*.—Any vehicle which shall have been assembled or constructed largely by means of essential parts, new or used, derived from other vehicles or makes of vehicles of various names, models, and types, or which, if originally otherwise constructed, shall have been materially altered by the removal of essential parts or by the addition or substitution of essential parts, new or used, derived from other vehicles or makes of vehicles.

(l) *Foreign vehicle*.—Every motor vehicle, trailer, or semitrailer which shall be brought into this State otherwise than in the ordinary course of business by or through a manufacturer or dealer and which has not been registered in this state.

(m) *Pneumatic tires*.—All tires inflated with compressed air.

(n) *Solid-rubber tire*.—Every tire made of rubber other than a pneumatic tire.

(o) *Metal tires*.—All tires the surface of which in contact with the highway is wholly or partly of metal or other hard, nonresilient material.

(p) *Person*.—Every natural person, firm, copartnership, association, or corporation.

(q) *Owner*.—A person who holds the legal title of a vehicle or in the event a vehicle is the subject of an agreement for the conditional sale or lease thereof with the right of purchase upon performance of the conditions stated in the agreement and with an immediate right of possession vested in the conditional vendee or lessee, or in the event a mortgagor of a vehicle is entitled to possession, then such conditional vendee or lessee or mortgagor shall be deemed the owner for the purpose of this act.

(r) *Nonresident*.—Every person who is not a resident of this State.

(s) *Manufacturer*.—Every person engaged in the business of manufacturing motor vehicles, trailers, or semitrailers.

(t) *Dealer*.—Every person engaged in the business of buying, selling, or exchanging motor vehicles, trailers, or semitrailers in this State and having an established place of business in this State.

(u) *Highway*.—Every way or place of whatever nature open to the use of the public as a matter of right for purposes of vehicular travel. The term "highway" shall not be deemed to include a roadway or driveway upon grounds owned by private persons, colleges, universities, or other institutions.

(v) *Department*.—The vehicle department of this State acting directly or through its duly authorized officers and agents.

(w) *Commissioner*.—The vehicle commissioner of this State.

ARTICLE II

VEHICLE COMMISSIONER

SEC. 2. *Vehicle Commissioner.*—There is hereby created the office of [vehicle commissioner], the holder of the office to organize and be in charge of the vehicle department of this State and to be appointed by [or elected].

ALTERNATE PROVISION

SEC. 2. [] *to perform duties of vehicle commissioner.*—The [insert State authority having charge of the registration of vehicles] is hereby designated as the vehicle commissioner of this State; and he shall have all powers and perform such duties as are herein imposed upon the vehicle commissioner. Note to section 2:

The National Conference on Street and Highway Safety recommended the creation of a separate department or bureau in each State to register vehicles and enforce the vehicle act.

At present the secretary of State performs the duties of vehicle registrar in Arizona, Colorado, Delaware, Georgia, Idaho, Illinois, Indiana, Kansas, Louisiana, Michigan, Minnesota, Nevada, Ohio, Oregon, South Dakota, Utah, Vermont, Wisconsin, Wyoming.

The office of commissioner or registrar of motor vehicles has been created in California, Connecticut, Iowa, Maryland, Massachusetts, New Hampshire, New York, North Dakota, Pennsylvania, Virginia, Washington.

The department of public works, State highway commission, or an officer thereof registers vehicles and enforces the motor vehicle laws in Arkansas, Maine, Nebraska, Oklahoma, Rhode Island, South Carolina, Tennessee, Texas, West Virginia.

The remaining States designate the following boards or officers: Alabama, State tax commissioner; District of Columbia, Board of Commissioners (director of traffic); Florida, State comptroller; Kentucky, State tax commissioner; Mississippi, State auditor; Montana, warden of State penitentiary; New Mexico, State comptroller; North Carolina, commissioner of revenue.

SEC. 3. *Duties of Department and Vehicle Commissioner.*—

(a) It shall be the duty of the department and all officers thereof to enforce the provisions of this act.

(b) The vehicle commissioner is hereby authorized to adopt and enforce such administrative rules and regulations and to designate such agencies as may be necessary to carry out the provisions of this act. He shall also provide suitable forms for applications, registration cards, license number plates, and all other forms requisite for the purposes of this act and shall prepay all transportation charges thereon.

SEC. 4. *Officers of Department.*—The vehicle commissioner shall maintain an office in [the State capitol] and in such other places in the State as he shall deem necessary, properly to carry out the provisions of this act.

SEC. 5. *Records of department.*—All registration and license records in the office of the department shall be public records and open to inspection by the public during business hours.

SEC. 6. *Publication or posting of records.*—The department, as often as practicable but at least once each month, shall either publish or post upon public bulletin boards in each of its offices a record of stolen and recovered motor vehicles and of suspension and revoca-

tions of operators' and chauffeurs' licenses and shall furnish copies of such records to the police departments and sheriffs' offices throughout the State, and shall forward copies of stolen and recovered motor vehicle records to the vehicle commissioner of each State.

SEC. 7. Accident Statistics and Reports.—

(a) The department shall prepare and may supply to police and sheriffs' offices and other suitable agencies forms for accident reports calling for sufficiently detailed information to disclose with reference to a highway accident the cause, conditions then existing and the persons and vehicles involved.

(b) The department shall receive accident reports required to be made by law and shall tabulate and analyze such reports and publish annually or at more frequent intervals statistical information based thereon as to the number, cause, and location of highway accidents.

(c) The driver of any vehicle involved in an accident resulting in injuries or death to any person or property damage to an apparent extent of \$50 or more shall, within 24 hours, forward a report of such accident to the department. Whenever the original report is insufficient in the opinion of the department, it may require drivers involved in accidents or police departments to file supplemental reports of accidents upon forms furnished by it. All accident reports made to the department or to any city department under local ordinance shall be without prejudice, shall be for the information of the department, and shall not be open to public inspection. The fact that such reports have been so made shall be admissible in evidence solely to prove a compliance with this section, but no such report or any part thereof or statement contained therein shall be admissible in evidence for any other purpose in any trial, civil or criminal, arising out of such accident.

Any incorporated city may by ordinance require that the driver of a vehicle involved in an accident shall file with the designated city department a report of such accident or a copy of any report required to be filed with the state authorities by this section.

(d) Every coroner or other official performing like functions shall make a report to the commissioner with respect to any death found to have been the result of a motor vehicle accident.

ARTICLE III

REGISTRATION OF MOTOR VEHICLES, TRAILERS, AND SEMITRAILERS

SEC. 8. Owner to secure registration.—Every owner of a motor vehicle, trailer, or semitrailer intended to be operated, apply to the department for and obtain the registration thereof, except the owner of any vehicle which is exempted by section 9 and except, also, when an owner is permitted to operate a vehicle under the special provisions relating to lien holders, manufacturers, dealers, and nonresidents contained in sections 17 (d), 18, and 20 of this act. Note to section 8:

A subsection (b), included in the draft submitted to the National Conference on Street and Highway Safety, was stricken out by vote of the conference as undesirable, but is restated in this note for the benefit of any State which feels that a temporary automobile permit is necessary:

"(b) The department may make and enforce regulations providing that upon proper application for the registration of a vehicle, either new or after a transfer, such vehicle may be operated upon the highways under a temporary permit issued by the department or a duplicate application carried in the vehicle or when purchased from a dealer then under dealers' plates issued under section 18 of this act, pending the granting or refusal of complete registration, and receipt of registration number plates."

Many States now provide for issuing temporary permits pending complete registration or operation of new vehicle under dealers' plates for limited period. States so providing include Colorado, Connecticut, Florida, Idaho, Illinois, Indiana, Iowa, Kansas, Louisiana, Maine, Massachusetts, Missouri, New Hampshire, New York, Utah, Vermont, and Wyoming.

SEC. 9. *Exempt from registration.*—Farm tractors, road rollers, and road machinery temporarily operated or moved upon the highways need not be registered under this act.

SEC. 10. *Application for registration.*—(a) Application for the registration of a vehicle required to be registered hereunder shall be made by the owner thereof upon the appropriate form approved or furnished by the department and every application shall be signed by the owner and contain his residence address and a brief description of the vehicle to be registered, including the name of the maker, the engine, and serial number, whether new or used, and the last license number, if known, and the State in which issued and, upon the registration of a new vehicle, the date of sale by the manufacturer or dealer to the person first operating such vehicle. The application shall contain such other information as may be required by the department.

(b) In the event that the vehicle, for which registration is applied, is a specially constructed, reconstructed, or foreign vehicle, such fact shall be stated in the application, and with reference to every foreign vehicle which has been registered theretofore outside of this State, the owner shall exhibit to the department the certificate of title and registration card or other evidence of such former registration as may be in the applicant's possession or control or such other evidence as will satisfy the department that the applicant is the lawful owner or possessor of the vehicle.

(c) In the event that the owner of a motor vehicle for which registration is applied rents or intends to rent such motor vehicle without a driver, such fact shall be stated in the application and the department shall not register such vehicle until and unless the owner shall agree to carry insurance or cause insurance to be carried as provided in section 23 of this act or if the owner shall fail to make such agreement until and unless the owner shall demonstrate to the department his financial ability to respond in damages as follows:

(1) If he apply for registration of one motor vehicle, in the sum of at least \$5,000 for any one person injured or killed and in the sum of \$10,000 for any number more than one injured or killed in any one accident;

(2) If he apply for the registration of more than one motor vehicle, then in the foregoing sums for one motor vehicle and \$5,000 additional for each motor vehicle in excess of one; but it shall be sufficient for the owner to demonstrate his ability to respond in damages in the sum of \$100,000 for any number of motor vehicles.

The department shall cancel the registration of any motor vehicle rented without a driver whenever the department ascertains that the

owner has failed or is unable to comply with the requirements of this subdivision (c).

SEC. 11. *Register of applicants to be kept by department.*—The department shall file each application received, and when satisfied as to the genuineness and regularity thereof, and that the applicant is entitled thereto, shall register the vehicle therein described and the owner thereof in suitable books or on index cards as follows:

1. Under a distinctive registration number assigned to the vehicle and to the owner thereof hereinafter referred to as the registration number;

2. Alphabetically under the name of the owner;

3. Numerically and alphabetically under the engine and serial number and name of the vehicle.

SEC. 12. *Registration cards.*—(a) The department, upon registering a vehicle, shall issue to the owner a registration card which shall contain upon the face thereof the date issued, the registration number assigned to the owner and to the vehicle, the name and address of the owner, also a description of the registered vehicle, including the engine number thereof, and with reference to every new vehicle hereafter sold in this State, the date of sale by the manufacturer or dealer to the person first operating such vehicle and such other statement of facts as may be determined by the department.

(b) The registration card shall contain upon the reverse side a form for indorsement of notice to the department upon transfer of the vehicle.

(c) The owner, upon receiving the registration card, shall sign the usual signature or name of such owner with pen and ink in the space provided upon the face of such card.

SEC. 13. *Registration card to be carried.*—The registration card issued for a vehicle required to be registered hereunder shall at all times while the vehicle is being operated upon a highway within this State be in the possession of the operator or chauffeur thereof or carried in the vehicle and subject to inspection by any peace officer.

SEC. 14. *Number plates to be furnished by department.*—(a) The department shall also furnish to every owner whose vehicle shall be registered one number plate for a motor cycle or semitrailer and two number plates for every other motor vehicle and trailer. The [commissioner] shall have authority to require the return to the department of all number plates upon termination of the lawful use thereof by the owner, under this act.

(b) Every number plate shall have displayed upon it the registration number assigned to the vehicle and to the owner thereof, also the name of this State, which may be abbreviated, and the year number for which it is issued. Such plate and the required letters and numerals thereon, except the year number for which issued, shall be of sufficient size to be plainly readable from a distance of 100 feet during daylight.

(c) The department shall issue for every passenger motor vehicle, rented without a driver, the same type of number plates as the type of plates issued for private passenger vehicles.

SEC. 15. *Display of plates.*—(a) Number plates assigned to a trailer and to a motor vehicle other than a motor cycle shall be

attached thereto, one in front and the other in the rear. The number plate assigned to a motor cycle or semitrailer shall be attached to the rear thereof. Number plates shall be so displayed during the current registration, except as otherwise provided in Section 17.

(b) Every number plate shall at all times be securely fastened to the vehicle to which it is assigned so as to prevent the plate from swinging and at a height not less than 12 inches from the ground, measuring from the bottom of such plate, in a place and position to be clearly visible, and shall be maintained free from foreign materials and in a condition to be clearly legible.

SEC. 16. *Renewal of registration.*—(a) Every vehicle registration under this act shall expire December thirty-first each year and shall be renewed annually upon application by the owner and by payment of the fees required by law, such renewal to take effect on the first day of January each year.

(b) An owner who has made proper application for renewal of registration of a vehicle previous to January 1 but who has not received the number plates, plate, or registration card for the ensuing year shall be entitled to operate or permit the operation of such vehicle upon the highways upon displaying thereon the number plates or plate issued for the preceding year for such time to be prescribed by the department as it may find necessary for issuance of such new plates.

SEC. 17. *Registration expires on transfer.*—(a) Whenever the owner of a vehicle registered under the foregoing provision of this act transfers or assigns his title or interest thereto the registration of such vehicle shall expire and such owner shall remove the number plates therefrom and forward the same to the department or may have such plates and the registration number thereon assigned to another vehicle upon payment of the fees required by law and subject to the rules and regulations of the department.

ALTERNATE PROVISION

SEC. 17 (a).

((a) Whenever the owner of a vehicle registered under the foregoing provisions of this act transfers or assigns his title or interest thereto, the registration of such vehicle, together with the number plates originally assigned thereto, shall be transferred to the transferee as hereinafter provided. The number plates originally assigned to the vehicle must remain attached thereto until the end of the current registration year.) Note to Section 17 (a):

The National Conference on Street and Highway Safety and the National Conference of Commissioners on Uniform State Laws recommends that section 17 (a) be adopted as first appearing in this act as it renders identification of the owner of a motor vehicle more positive than the alternate section. However, in some States in which certificate of title laws are not in force it may be deemed desirable to adopt the alternate section.

In the event that alternate section 17 (a) is adopted, the following changes should also be made in the uniform motor vehicle registration act to perfect the application of alternate section 17 (a) to the remainder of the act:

Section 15, paragraph (a): Strike out the final clause reading as follows: "except as otherwise provided in section 17."

Section 17, paragraph (c) should be amended to read as follows: "(c) The department on receipt of such registration card bearing the indorsement of the name and address of the transferee shall at once enter record transferring

to the name of the transferee, the registration number appearing on the said registration card and the number plates corresponding thereto, and shall forward to the transferee a new registration card after the usual manner and bearing the registration number thereby transferred to his name."

Section 17, paragraph (d), following the word "obtain" in the eighth line of said section, insert the words: "proper transfer to himself of".

(b) An owner upon transferring a registered vehicle shall indorse the name and address of the transferee and the date of transfer upon the reverse side of the registration card issued for such vehicle and shall immediately forward such card to the department.

(c) The transferee, before operating or permitting the operation of such vehicle upon a highway, shall apply for and obtain the registration thereof as upon an original registration, except as provided in section 18. In the event the department does not receive the former registration card properly indorsed, as provided in subsection (b), the department may reregister the vehicle provided it is satisfied as to the genuineness and regularity of the transfer.

(d) In the event of the transfer by operation of law of the title or interest of an owner in and to a vehicle as upon inheritance, devise or bequest, order in bankruptcy or insolvency, execution sale, repossession upon default in performing the terms of a lease or executory sales contract, or otherwise, the registration thereof shall expire and the vehicle shall not be operated upon the highways until and unless the person entitled thereto shall apply for and obtain the registration thereof, except that an administrator, executor, trustee, or other representative of the owner, or a sheriff, or other officer, or any person repossessing the vehicle under the terms of a conditional sale contract, lease, chattle mortgage, or other security agreement, or the assignee or legal representative of any such person may operate or cause to be operated any vehicle upon the highways for a distance not exceeding 75 miles from the place of repossession or place where formerly kept by the owner to a garage, warehouse, or other place of keeping or storage, either upon displaying upon such vehicle the number plates issued to the former owner or without number plates attached thereto but under a written permit first obtained from the department or the local police authorities having jurisdiction over such highways and upon displaying in plain sight upon such vehicle a placard bearing the name and address of the person authorizing and directing such movement, and plainly readable from a distance of 100 feet during daylight.

SEC. 18. *Registration by manufacturers and dealers.*—(a) A manufacturer of or dealer in motor vehicles, trailers, or semi-trailers, owning or operating any such vehicle upon any highway in lieu of registering each such vehicle may obtain from the department upon application therefor upon the proper official form and payment of the fees required by law and attach to each such vehicle one or duplicate number plates, as required for different classes of vehicles by section 14 (a), which plate or set of plates shall each bear thereon a distinctive number, also the name of this State, which may be abbreviated, and the year for which issued, together with the word "dealer" or a distinguishing symbol indicating that such plate or plates are issued to a manufacturer or dealer, and any such plates so issued may, during the calendar year for which issued,

be transferred from one such vehicle to another owned or operated by such manufacturer or dealer, who shall keep a written record of the vehicles upon which such dealers' number plates are used and the time during which each set of plates is used on a particular vehicle, which record shall be open to inspection by any police officer or any officer or employee of the department.

(b) No manufacturer of or dealer in motor vehicles, trailers, or semitrailers shall cause or permit any such vehicle owned by such person to be operated or moved upon a public highway without there being displayed upon such vehicle a number plate or plates issued to such person, either under section 14 or under this section, except as otherwise authorized in subdivision (c) or (d) of this section.

(c) Any manufacturer of motor vehicles, trailers, or semitrailers may operate or move or cause to be operated or moved upon the highways for a distance of [75 miles] or for such further distance as may be authorized by the [commissioner] any such vehicle, from the factory where manufactured, to a railway depot, vessel, or place of shipment or delivery without registering the same and without number plates attached thereto under a written permit first obtained from the local police authorities having jurisdiction over such highways and upon displaying in plain sight upon each such vehicle a placard bearing the name and address of the manufacturer authorizing or directing such movement, and plainly readable from a distance of 100 feet during daylight.

(d) Any dealer in motor vehicles, trailers, or semitrailers may operate or move, or cause to be operated or moved, any such vehicle upon the highways for a distance of [25 miles], or for such further distance as may be authorized by the [commissioner], from a vessel, railway depot, warehouse, or any place of shipment to a sales-room, warehouse, or place of shipment, or transshipment without registering such vehicle and without number plates attached thereto, under a written permit first obtained from the local police authorities having jurisdiction over such highways, and upon displaying in plain sight upon each such vehicle a placard bearing the name and address of the dealer authorizing and directing such movement, and plainly readable from a distance of 100 feet during daylight.

(e) For the purpose of this section the term dealer shall include every person engaged in the purchase, discount, or other acquisition of conditional sale contracts, leases, chattel mortgages, or other security agreements arising from the sale of motor vehicles, and every said person shall be entitled to obtain dealers' plates for use only upon repossessed motor vehicles and only for purposes of transporting or demonstrating said motor vehicles until a sale thereof.

SEC. 19. *Manufacturer to give notice of sale or transfer.*—Every manufacturer or dealer, upon transferring a motor vehicle, trailer, or semitrailer, whether by sale, lease, or otherwise, to any person other than a manufacturer or dealer, shall immediately give written notice of such transfer to the department upon the official form provided by the department. Every such notice shall contain the date of such transfer, the names and addresses of the transferor and transferee, and such description of the vehicle as may be called for in such official form.

SEC. 20. *Registration by nonresidents.*—(a) A nonresident owner, except as otherwise provided in this section, owning any foreign vehicle which has been duly registered for the current calendar year in the State, country, or other place of which the owner is a resident, and which at all times when operated in this State has displayed upon it the number plate or plates issued for such vehicle in the place of residence of such owner, may operate or permit the operation of such vehicle within this State, or into or through this State in interstate transportation, without registering such vehicle or paying any fees to this State.

(b) Every nonresident, including any foreign corporation carrying on business within this State and owning and regularly operating in such business any motor vehicle, trailer, or semitrailer within this State, other than in interstate transportation into or through this State, shall be required to register each such vehicle and pay the same fees therefor as is required with reference to like vehicles owned by residents of this State.

SEC. 21. *Lost certificates or number plates*—*Duplicates to be obtained.*—In the event that any number plate or registration card issued hereunder shall be lost, mutilated, or shall have become illegible, the person who is entitled thereto shall make immediate application for and obtain a duplicate or substitute therefor upon furnishing information of such fact satisfactory to the department and upon payment of the required fees.

SEC. 22. *Department to suspend registration upon notice of theft or embezzlement.*—Whenever the owner of any motor vehicle, trailer, or semitrailer which is stolen or embezzled files an affidavit alleging either said fact with the department it shall immediately suspend the registration of such vehicle and shall not transfer the registration of or reregister such vehicle until such time as it shall be notified that the owner has recovered such vehicle, but notices given as heretofore provided shall be effective only during the current registration year in which given, but if during such year such vehicle is not recovered a new affidavit may be filed with like effect during the ensuing year. Every owner who has filed an affidavit of theft or embezzlement must immediately notify the department of the recovery of such vehicle.

SEC. 23. *Owners of for rent cars liable for negligence of drivers.*—(a) The owner of a motor vehicle engaged in the business of renting motor vehicles without drivers, who rents any such vehicle without a driver to another, otherwise than as a part of a bona fide transaction involving the sale of such motor vehicle, permitting the renter to operate the vehicle upon the highways, and who does not carry or cause to be carried public liability insurance in an insurance company or companies approved by the insurance commissioner of this State insuring the renter against liability arising out of his negligence in the operation of such rented vehicle in limits of not less than \$5,000 for any one person injured or killed and \$10,000 for any number more than one injured or killed in any one accident and against liability of the renter for property damage in the limit of not less than \$1,000 for one accident, shall be jointly and severally liable with the renter for any damages caused by the negli-

gence of the latter in operating the vehicle and for any damages caused by the negligence of any person permitted to operate the vehicle by the person renting the same and with the express or implied permission of the owner. The foregoing provisions shall not confer any right of action upon any passenger in any such rented vehicle as against the owner, but nothing herein contained shall be construed to prevent the introduction as a defense of [comparative or] contributory negligence to the extent to which such defense is allowed in other cases. Such policy of insurance shall inure to the benefit of any person permitted to operate the vehicle by the person renting the same and with the express or implied permission of the owner in the same mannner and under the same conditions and to the same extent as to the renter. The insurance policy or policies above referred to need not cover any liability incurred by the renter of any vehicle to any passenger in such vehicle.

When any suit or action is brought against the owner of a for-rent motor vehicle upon a joint and several liability under this section, it shall be the duty of the judge or court before whom the case is pending to cause a preliminary hearing to be had in the absence of the jury for the purpose of determining whether the owner has provided or caused to be provided insurance covering the renter in the limits above mentioned. Whenever it appears that the owner has provided or caused to be provided insurance covering the renter in the sums above mentioned, it shall be the duty of the judge or court to dismiss as to the owner the action brought under this section.

(b) It shall be unlawful for the owner of any motor vehicle engaged in the business of renting motor vehicles without drivers, to rent a motor vehicle without a driver, otherwise than as a part of a bona fide transaction involving the sale of such motor vehicle, unless he shall have previously notified the department of the intention to so rent such vehicle and shall have complied with the requirements as to the showing of his financial responsibility as provided in section 10 (c) of this act.

(c) Whenever the owner of a motor vehicle rents such vehicle without a driver to another it shall be unlawful for the latter to permit any other person to operate such vehicle without the permission of the owner.

SEC. 24. *Owner of for rent cars to maintain records.*—Every person engaged in the business of renting motor vehicles without drivers who shall rent any such yehicle without a driver, otherwise than as a part of a bona fide transaction involving the sale of such motor vehicle, shall maintain a record of the identity of the person to whom the vehicle is rented and the exact time the vehicle is the subject of such rental or in possession of the person renting and having the use of the vehicle and every such record shall be open to inspection by the chief of police, sheriff, commissioner, or by any other person upon signed order of any such official, and it shall be a misdemeanor for any such owner to fail to make or have in possession or to refuse an inspection of the record as required in this section. If the [commissioner] prescribes a form for the keeping of the record provided for in this section, the owner shall use said form.

ARTICLE IV

REFUSAL OR CANCELLATION OF REGISTRATIONS AND VIOLATIONS OF PROVISIONS RELATING THERETO

SECTION 25. *When registration shall be refused.*—The department shall not grant an application for the registration of a vehicle in any of the following events:

(a) When the applicant therefor is not entitled thereto under the provisions of this act.

(b) When the applicant has neglected or refused to furnish the department with the information required in the appropriate official form or reasonable additional information required by the department.

(c) When the fees required therefor by law have not been paid.

SEC. 26. *When registration shall be rescinded.*—(a) The department shall rescind and cancel the registration of any vehicle which the department shall determine is unsafe or unfit to be operated or is not equipped as required by law.

(b) The department shall rescind and cancel the registration of a vehicle whenever the person to whom the registration card or registration number plates therefor have been issued shall make or permit to be made any unlawful use of the same or permit the use thereof by a person not entitled thereto.

SEC. 27. *Violations of registration provisions.*—It shall be unlawful for any person to commit any of the following acts:

1. To operate or for the owner thereof knowingly to permit the operation upon a highway of any motor vehicle, trailer, or semitrailer which is not registered or which does not have attached thereto and displayed thereon the number of plate or plates assigned thereto by the department for the current registration year, subject to the exemption allowed in sections 17 (d), 18, and 20 of this act.

2. To display or cause or permit to be displayed or to have in possession any registration card, or registration number plate, knowing the same to be fictitious or to have been canceled, revoked, suspended, or altered.

3. To lend to or knowingly permit the use by one not entitled thereto any registration card or registration number plate issued to the person so lending or permitting the use thereof.

4. To fail or refuse to surrender to the department, upon demand, any registration card or registration number plate which has been suspended, canceled, or revoked as in this act provided.

5. To use a false or fictitious name or address in any application for the registration of any vehicle or for any renewal or duplicate thereof, or knowingly to make a false statement, or knowingly to conceal a material fact or otherwise commit a fraud in any such application.

ARTICLE V

REGISTRATION FEES

SEC. 28. *Registration fees.*—Three shall be paid to the department for the registration of motor vehicles, trailers, and semitrailers fees according to the following schedule. Note to section 28:

The revenue provision of the vehicle statutes vary both as to character of fees imposed and amounts, and as such revenue measures have no relation to safety on highways the draft does not suggest what fees shall be imposed.

This title in outline is included upon request that the draft indicate the appropriate place wherein registration fees may be incorporated by each State upon adopting the uniform act.

SEC. 29. *Exempt from registration fees.*—Note to section 29:

Vehicle statutes generally exempt vehicles owned by the State or political subdivisions thereof from payment of fees but require that all such vehicles shall be registered and display number plates usually bearing a distinct symbol.

SEC. 30. *When fees delinquent: penalties.*

SEC. 31. *Disposition of registration fees.*

ARTICLE VI

UNLAWFUL TAKING, TRANSFER, OF OR INJURY TO VEHICLE

SEC. 32. *Driving vehicle without owner's consent.*—Any person who shall drive a vehicle, not his own, without the consent of the owner thereof, and with intent temporarily to deprive said owner of his possession of such vehicle, without intent to steal the same, shall be guilty of a misdemeanor. The consent of the owner of a vehicle to its taking or driving shall not in any case be presumed or implied because of such owner's consent on a previous occasion to the taking or driving of such vehicle by the same or a different person. Any person who assists in, or is a party or accessory to or an accomplice in any such unauthorized taking or driving, shall also be guilty of a misdemeanor.

SEC. 33. *Receiving or transferring stolen or unlawfully taken vehicle.*—Any person who with intent to procure or pass title to a motor vehicle which he knows or has reason to believe has been stolen or unlawfully taken shall receive or transfer possession of the same from or to another, or who shall have in his possession any motor vehicle which he knows or has reason to believe has been stolen or unlawfully taken, and who is not an officer of the law engaged at the time in the performance of his duty as such officer, shall be guilty of a felony and upon conviction shall be punished as provided in section 37 of this act.

SEC. 34. *Injuring vehicle.*—Any person who shall individually, or in association with one or more others, wilfully break, injure, tamper with, or remove any part or parts of any vehicle for the purpose of injuring, defacing, or destroying such vehicle, or temporarily or permanently preventing its useful operation, or for any purpose against the will or without the consent of the owner of such vehicle, or who shall in any other manner wilfully or maliciously interfere with or prevent the running or operation of such vehicle shall be guilty of a misdemeanor.

SEC. 35. *Tampering with vehicle.*—Any person who shall without the consent of the owner or person in charge of a vehicle climb into or upon such vehicle with the intent to commit any crime, malicious mischief, or injury thereto, or who while a vehicle is at rest and unattended shall attempt to manipulate any of the levers, starting crank, or other starting device, brakes, or other mechanism thereof,

or to set said vehicle in motion, shall be guilty of a misdemeanor, except that the foregoing provisions shall not apply when any such act is done in an emergency in furtherance of public safety or convenience or by or under the direction of an officer in the regulation of traffic or performance of any other official duty.

ARTICLE VII

PENALTIES

SEC. 36. *Penalty for misdemeanor.*—(a) It shall be unlawful and constitute a misdemeanor for any person to violate any of the provisions of this act unless such violation is by this act or other law of this State declared to be a felony.

(b) Unless another penalty is in this act or by the laws of this State provided, every person convicted of a misdemeanor for the violation of any provision of this act shall be punished by a fine of not more than \$500 or by imprisonment for not more than six months, or by both such fine and imprisonment.

SEC. 37. *Penalty for felony.*—Any person who shall be convicted of a violation of any of the provisions of this act herein or by the laws of this State declared to constitute a felony shall, unless a different penalty is prescribed herein or by the laws of this State, be punished by imprisonment for a term not less than one year nor more than five years, or by a fine of not less than \$500 nor more than \$5,000, or by both such fine and imprisonment.

ARTICLE VIII

EFFECT OF AND SHORT TITLE OF ACT

SEC. 38. *Uniformity of interpretation.*—This act shall be so interpreted and construed as to effectuate its general purpose to make uniform the law of those States which enact it.

SEC. 39. *Short title.*—This act may be cited as the uniform motor vehicle registration act.

SEC. 40. *Constitutionality.*—If any part or parts of this act shall be held to be unconstitutional, such unconstitutionality shall not affect the validity of the remaining parts of this act. The legislature hereby declares that it would have passed the remaining parts of this act if it had known that such part or parts thereof would be declared unconstitutional.

SEC. 41. *Repeal.*—The [existing registration act] is hereby repealed except [revenue or other provisions in existing laws not embraced in the present act] and all acts or parts of acts inconsistent with the provisions of this act are hereby repealed.

SEC. 42. *Time of taking effect.*—This act shall take effect from and after the _____ day of _____.

NOTES TO UNIFORM MOTOR VEHICLE REGISTRATION ACT

Note to section 3:

Motor vehicle statutes quite generally authorize the registrar to adopt and enforce rules and regulations and appoint such assistants and agencies throughout the State as may be necessary to carry out registration and licensing provisions.

Note to section 10 (c) :

With reference to owners of motor vehicles rented without drivers see also sections 14 (c), 23, and 24.

Note to section 10:

Every State requires that substantially the detailed description of the vehicle, set forth in (a) and (b) of this section, shall be included in the application for registration.

Note to section 11:

In numerous States registration records are indexed in two or three ways. The method above required is intended to afford quick information under the following circumstances: (1) Police authorities, having secured license number only of a vehicle involved in an accident or violation of law, wire the number to the department and immediately secure complete registration data; (2) police authorities find stolen car without license plates or registration card; by sending engine number to department information as to owner may be obtained; (3) upon attachment or otherwise, it may be important to know if a certain person owns a vehicle; by sending the name of person to department information as to ownership of a vehicle may be obtained.

Note to section 12:

This section designates the form of registration cards usually specified in the motor vehicle statutes.

Note to section 13:

Similar requirement is found in most vehicle statutes, while a few specify that registration card shall be carried in plain sight in driver's compartment. This is for the purpose of identifying the vehicle and the owner and no hazard is incurred as a thief can not effect a transfer of the vehicle by means of the registration card without procuring also and forging an assignment upon the certificate of title which is not required to and should not be carried in the vehicle.

Note to section 16:

Practically every State requires annual renewal of registration upon the 1st of January.

Note to section 33:

This is a usual provision particularly in those States having certificate of title laws.

Note to sections 40 and 41:

It may be desirable to provide that this act shall go into effect on the 1st of January next succeeding the adoption of the act and that provisions of existing laws on the subjects embraced in this act be repealed on such 1st of January.

MOTOR VEHICLE REGISTRATION ACT

While every State now requires the registration of motor vehicles with a State department, such laws are not uniform and many have omitted some of the essential features embodied in the uniform motor vehicle registration act.

The registration of motor vehicles serves a threefold purpose:

(1) Registration and the issuance of license plates and registration certificates have a bearing on safety as affording a means of identification of the owners and operators of motor vehicles involved in traffic accidents and traffic violations.

(2) Registration of motor vehicles by a State department and the maintenance of registration records afford a means of tracing, identifying, and recovering stolen vehicles by particular reference to the engine or serial number of such motor vehicle, which is one of the important items recorded in the registration.

(3) Registration is universally employed as a means of collection of registration fees generally imposed on an annual basis.

The uniform motor vehicle registration act contains definite provisions to accomplish the above purposes with the details carefully formulated to meet administrative problems. In addition the act makes provisions for the administrative machinery and administrative powers and duties. It is believed that the particular advantage of the act lies in the fact that it incorporates those registration and administrative provisions found to be most essential and practical in the more progressive States.

DEFINITIONS

Numerous terms employed in the act are defined in section 1. The definitions are prepared to fit the context of the act and in practically all instances the definitions correspond with the definitions of the same terms in the motor vehicle laws of the various States. It is suggested that if question arises upon reading the various provisions as to the meaning of any term employed, reference be made to the definition of the term to ascertain precisely its scope and sense as used in the act.

VEHICLE COMMISSIONER

In many States in the past motor vehicle administration has been made a routine tax-licensing function added to the duties of an official or department having a main function quite remote from vehicle control. Under such conditions there can hardly be the comprehensive and continuous control, the effective enforcement or the meeting of new problems called for by present-day conditions.

Section 2, therefore, provides for the creation of the office of vehicle commissioner, who is authorized to organize and be in charge of a State vehicle department. It is recognized, however, that in some of the less populous States the problem has not yet become acute enough to warrant the creation of a new department for the

sole purpose of administering the motor vehicle laws. An alternate section 2 is therefore included which assigns the duties of vehicle commissioner to an existing State official, but empowers him through a division of his department to exercise the same comprehensive control over vehicle operation.

DUTIES OF DEPARTMENT AND VEHICLE COMMISSIONER

Section 3 imposes upon the department and its officers the duty of enforcing the provisions of the act and lists his major duties. The subsequent paragraphs of this pamphlet will attempt to show the importance of each of these duties.

OFFICERS OF DEPARTMENT

To meet the difficulty in some States of adequate administration of his duties from a single central office, and to obviate undesirable delegation of authority to local officials not directly and solely responsible to the vehicle commissioner, section 4 empowers the vehicle commissioner to maintain additional offices elsewhere in the State as he deems necessary.

RECORDS OF DEPARTMENT

Section 5 provides that all registration and license records in the offices of the department shall be public records and open to inspection by the public during business hours. As heretofore stated, one of the primary purposes of registration and the maintenance of records is to afford means of recovery of stolen vehicles and opportunity to determine the identity of participants in traffic accidents and violations, and in order to serve these purposes, as well as others, it is necessary that the records be available to police and enforcement agencies and to the agencies and members of the public having vital interest in the examination of such records.

PUBLICATION OR POSTING OF RECORDS

It is believed that mere accessibility of records is not sufficient—that the department should periodically publish or post certain important records. By doing this the department will both furnish valuable information to those directly interested and stimulate interest in and respect for the work of the department. Section 6 therefore directs the department to publish or post certain specified classes of records at least once each month.

An important aid in the administration of the motor vehicle laws of the various States is exchange of information between States. This is particularly true with respect to stolen and recovered motor vehicles, and the last clause of section 6 provides that copies of these records shall be forwarded to the vehicle commissioner of each State. Similar provisions for the exchange of information relative to operators is provided for in Act III of the code.

ACCIDENT STATISTICS AND REPORTS

One of the most important activities of the motor vehicle department, it is believed, is the accurate reporting and analysis of traffic accidents. This has been developed to a high degree in some States,

and the information derived is of great help in determining and eliminating hazards not only in those States but throughout the United States. The great majority of States, however, are believed to be seriously defective as yet in their accident reporting and analysis, and section 7 has been developed after careful study of the needs.

Subdivision (a) requires the department to prepare suitable forms for accident reports, setting forth the character of information needed. It further authorizes the department to supply these forms to police and sheriffs' offices and other suitable agencies.

Subdivision (b) follows up the making of the reports by the requirement that they shall be tabulated and analyzed, and that statistical information based thereon shall be published annually or at more frequent intervals.

In order that the preceding paragraphs may be effective it is essential that vehicle operators be definitely required to report accidents promptly and in such manner as to give the information needed. Subdivision (c), therefore, requires the reporting of all accidents involving death, personal injuries, or property damage amounting to not less than \$50. A large percentage of all accidents are relatively trivial in character, and analysis of them all would impose much labor on the motor vehicle department without developing much information helpful in eliminating future accidents. It is probable, also, that without exemption of the trivial accidents motorists would fail to report more important ones. The limit of \$50 is believed to establish a reasonable average beyond which serious note should be taken of an accident.

An essential feature of this paragraph is that the report of the accident must go to the motor vehicle department. In the original draft of the uniform vehicle code it was deemed satisfactory to permit this report to be made to the police department in incorporated cities or towns, but it has been found that in many instances such reports do not reach the State vehicle department. Under the revised draft of the act a report must in each case go direct to the State vehicle department. It is also required that the report be made within 24 hours of the accident.

The department is further authorized to require the filing of supplemental reports. Obviously, it is not possible to devise a blank which will give all of the information needed regarding every accident.

Another important feature of the paragraph as drafted is that the records shall be for the information of the vehicle department and not open to public inspection. Otherwise participants in accidents would be providing evidence which could be used against them in civil actions, and this would often make such participants more reluctant to render accurate reports. The basic purposes of the reports to the vehicle department should be to assist in determining violations of the law as throwing light upon the qualifications of drivers and their fitness to operate, and to aid in preventing recurrence of similar accidents.

OWNER TO SECURE REGISTRATION

Section 8 is a basic provision requiring the owner of every motor vehicle, trailer, or semitrailer to register such vehicle before operating it upon any highway in the State. Certain exceptions are enumerated.

EXEMPT FROM REGISTRATION

Section 9 is self-explanatory, exempting from registration certain farm and road machinery not intended or used for regular operation on the highways.

APPLICATION FOR REGISTRATION

Section 10 provides a standardized procedure for applying for registration of a vehicle. Applications must be made upon approved forms. The information required includes identification of the owner by name and address, and it also includes full identification of the vehicle, not only as to make and type but also as to engine and serial numbers. The need for this detailed information to discourage theft of automobiles becomes apparent upon consideration of the provisions of Act II—The anti-theft act of the uniform vehicle code. The department is given authority to require additional information.

Subdivision (b) stipulates additional information regarding specially constructed, reconstructed, or foreign vehicles.

Subdivision (c) with its two paragraphs provides that motor vehicles for rent without a driver must carry liability insurance unless the owner can demonstrate financial ability to respond in damages to stipulated degrees, and provides for the cancellation of registration of such for-rent vehicles if the owner does not comply with the requirements. The purpose of this and other sections relating to for-rent cars is to impose definite responsibility on the owners of for-rent vehicles to offset the lesser degree of control over renting operators who may be nonresident or otherwise difficult to apprehend in case of accident.

REGISTER OF APPLICANTS TO BE KEPT BY DEPARTMENT

The maintenance by the State vehicle department of the 4-way index of registration records required in section 11 is a most important feature of the registration act. Each of the indexes performs a most useful function. For example, the index of registration or license numbers permits reference thereto by police authorities who have secured only the license number of a vehicle involved in an accident or violation of law, and by means of such license number complete registration data may be obtained. The alphabetical index of owners permits police or other persons, by sending merely the name of a presumed owner to the department, to ascertain the truth or falsity of such ownership. The indexes of motor vehicles numerically and alphabetically, according to engine and serial numbers, serve an

essential purpose in the identification of stolen or embezzled motor vehicles. It frequently occurs that police authorities identify a motor vehicle solely by means of its engine and serial numbers, the license plates having been removed, and by referring such numbers to the State vehicle department an examination of the records will disclose whether such vehicle has been stolen and also will disclose the name and address of the rightful owner.

REGISTRATION CARDS

To provide the owner of a registered vehicle with proof of registration, section 12, subdivision (a), instructs the department upon registering a vehicle to issue to the owner a registration card carrying the essential information listed on the application.

Subdivision (b) provides for indorsement on the reverse side of the card of notice to the department upon transfer of the vehicle, thus affording a simple method of informing the department of such transfer.

Subdivision (c) stipulates that the owner must sign the registration card with pen and ink in the space provided upon its face. Through the requirement that the card be signed as soon as received, the owner is protected in case of loss, because any person wrongfully in possession of the card can be detected readily by comparison of his signature made in the presence of the apprehending officer with that on the card.

REGISTRATION CARD TO BE CARRIED

In order to afford immediate proof at any time that the operator of a motor vehicle is in rightful possession of the vehicle and that it has been properly registered, section 13 stipulates that the registration card must be carried in the vehicle at all times while it is being operated, subject to inspection by any peace officer.

NUMBER PLATES TO BE FURNISHED BY DEPARTMENT

In accordance with the law in nearly every State, section 14, subdivision (a), provides that each motor vehicle other than a motor cycle or semitrailer shall carry two number plates, and that every motor cycle or semitrailer shall carry one. The commissioner is authorized to require the return to the department of all number plates upon the termination of their lawful use. This is an added safeguard against operation with dead plates.

Number plates in accordance with subdivision (b) must be displayed on the vehicles to which they have been assigned. The plates, numerals, and required letters must be of sufficient size to be plainly readable at a distance of 100 feet.

The department is required in subdivision (c) to issue for passenger vehicles rented without a driver the same type of plates issued for private passenger vehicles. This provision is inserted to meet the objection of operators of such vehicles to having their vehicles labeled as not belonging to them. It is believed that the public is adequately protected by sections 10 (c), 23, and 24.

DISPLAY OF PLATES

Section 15, subdivision (a), requires the display of plates front and back on all vehicles except trailers and motor cycles, which must have a plate attached to the rear. This is in accord with the present requirements in nearly every State.

Subdivision (b) prescribes certain conditions as to the manner in which the plates shall be fastened to the vehicle. For obvious reasons they must not swing and they must be at least 12 inches above the ground, this minimum distance being deemed necessary to prevent them from becoming so covered with mud or dust as to be illegible.

RENEWAL OF REGISTRATION

Under section 16, subdivision (a), the renewal date for registration is fixed as December 31 of each year, uniformity in this practice as between States being deemed important to assist in keeping off the highways vehicles from other States operating on expired plates.

In recognition of the difficulty often experienced in getting new registrations and plates at the expiration of the old ones, subdivision (b) permits owners who have made proper application for renewal before the expiration date but have not received their new plates or cards to operate on the old ones for a period prescribed by the department as necessary for the issuance of the new plates.

REGISTRATION EXPIRES ON TRANSFER

On the matter of expiration of registration upon transfer there is difference of opinion, and the act in section 17 and 17 (a) provides alternate provisions—the first that upon transfer of a vehicle the registration shall expire, and the second that the registration and plates may be transferred with the vehicle.

Under either plan, subdivision (b) provides for the indorsement of the transfer on the reverse side of the registration card and the immediate forwarding of the card to the department, and subdivision (c) requires the transferee to obtain a new registration, an exception being made in the case of manufacturers and dealers. In recognition of the hardship that might befall the transferee in case the original registration card fails to get back to the department, the paragraph provides that the department may register the vehicle if it is satisfied as to the genuineness and regularity of the transfer.

Subdivision (d) is a carefully prepared statement of the conditions under which a vehicle passing into other hands through inheritance, bankruptcy, repossession, or other causes may be operated short distances without reregistration in order to bring it to a garage or other point where it may be kept or stored. Any such vehicle must carry a placard bearing the name and address of the person authorizing and directing the movement, plainly readable at 100 feet.

REGISTRATION BY MANUFACTURERS AND DEALERS

Section 18 is designed to give manufacturers and dealers reasonable latitude in the movement of motor vehicles without imposing upon them the expense of separate registration of each vehicle held for sale.

Subdivision (a) authorizes manufacturers or dealers to obtain distinctive dealers' plates and operate any of their vehicles under such plates. Each vehicle so operated must carry duplicate plates, the manufacturer or dealer must keep a written record of the vehicles upon which such plates are used and the time during which each set of plates is used on the vehicle, and this record must be open to inspection by any police officer or employee of the department.

Subdivision (c) is intended to give a manufacturer further latitude in moving vehicles from factory to warehouse or point of shipment or delivery by allowing him to move them a distance not to exceed a specified mileage under suitable placards, one for each vehicle. Subdivision (d) gives dealers a similar opportunity, but the respective distances suggested are 75 miles for the manufacturer and 25 miles for the dealer. It is assumed that these distances can be varied in different States to meet the conditions actually prevailing.

MANUFACTURER TO GIVE NOTICE OF SALE OR TRANSFER

The act in section 19 requires manufacturers and dealers, upon selling or otherwise transferring a motor vehicle to a purchaser who is other than a manufacturer or dealer, to give notice of the sale or transfer to the department. This procedure is highly desirable as an aid to the department in enforcing the provisions of the act requiring that a purchaser, immediately upon becoming the owner, shall register the vehicle with the department. Furthermore, the department is enabled, by comparing the information furnished in a dealer's notice of sale with the application of a purchaser, to verify the representations set forth in the application for registration.

REGISTRATION BY NONRESIDENTS

The uniform vehicle code, both in Act I covering the registration of vehicles and Act III covering the licensing of operators and chauffeurs, contemplates the fullest reciprocity practicable as between States. It is recognized that under the wide range of reciprocity conditions now in effect in different States there are numerous inequalities and hardships imposed upon vehicle owners and operators.

Under section 20, subdivision (a), therefore, a nonresident owner of a foreign vehicle is granted the right to operate the vehicle in the State in question throughout the current calendar year without payment of additional fees. The only exception is that set forth in subdivision (b).

LOST CERTIFICATES OR NUMBER PLATES

In recognition of the possibility of loss or mutilation of number plates or registration cards, section 21 provides for their replacement upon payment of the required fees.

DEPARTMENT TO SUSPEND REGISTRATION UPON NOTICE OF THEFT OR EMBEZZLEMENT

As a protection to the owner of a stolen vehicle, section 22 provides that if he file an affidavit alleging such theft, the department shall immediately suspend the registration and not register the vehicle

until notified that the owner has recovered it. To relieve the department of the burden of carrying records of such stolen vehicles indefinitely, the applicability of such affidavit expires with the registration of the vehicle, but the owner may file a similar affidavit during the ensuing year. The owner is required to notify the department immediately upon the recovery of the vehicle.

OWNERS OF FOR-RENT CARS LIABLE FOR NEGLIGENCE OF DRIVERS

Because of the fact that it is sometimes difficult to determine the identity of and effect recovery from operators who have rented motor vehicles and have been at fault in traffic accidents, it has generally been felt that some responsibility should be attached to the owner of a motor vehicle who rents it to be operated by another. Thus the act in section 10 (c) and section 23, read together, requires that the owner intending to rent a motor vehicle shall not be permitted to register the vehicle until public liability insurance, in certain amounts as specified, is provided or until the owner shall demonstrate to the department his financial ability to respond in damages within certain amounts. The essential feature of section 23 is the provision that in the event the owner of the for-rent car² does not provide insurance but merely furnishes evidence of his financial responsibility, then such owner shall be jointly and severally liable with the operator for any negligence of the latter in operating the motor vehicle.

OWNER OF FOR-RENT CARS TO MAINTAIN RECORDS

As a means of further protection of the public, section 24 requires that a record be made of every person renting a for-rent car, including the exact time the vehicle is in his possession and such other information as the commissioner requires.

WHEN REGISTRATION SHALL BE REFUSED

Three conditions are set forth in section 25 under which the department shall not grant an application for vehicle registration. The reasons for these requirements are apparent.

WHEN REGISTRATION SHALL BE RESCINDED

Under either of two conditions cited in section 26 a registration shall be rescinded. The first of these is unsafe condition of the vehicle itself; the other is improper use of the registration or number plates by any person.

VIOLATIONS OF REGISTRATION PROVISIONS

Five forms of violation of registration provisions are set forth and made unlawful in section 27. These, briefly, are operation without proper registration and plates, use of fictitious or other unlawful registration or plates, permitting use of registration or plates by person not entitled thereto; failure to surrender cards or plates demanded by the department and falsification in obtaining a registration or re-

newal. These offenses are not intended to include offenses of the operator of a vehicle attaching to him and not the vehicle, which are covered in other acts of the uniform code.

REGISTRATION FEES

Section 28 contains a blank form for registration fees, while sections 29, 30, and 31 indicate the headings only of provisions to be worked out in each State to cover, respectively, "Exempt from registration fees," "When fees delinquent: Penalties," and "Disposition of registration fees."

UNLAWFUL TAKING, TRANSFER OF OR INJURY TO VEHICLE

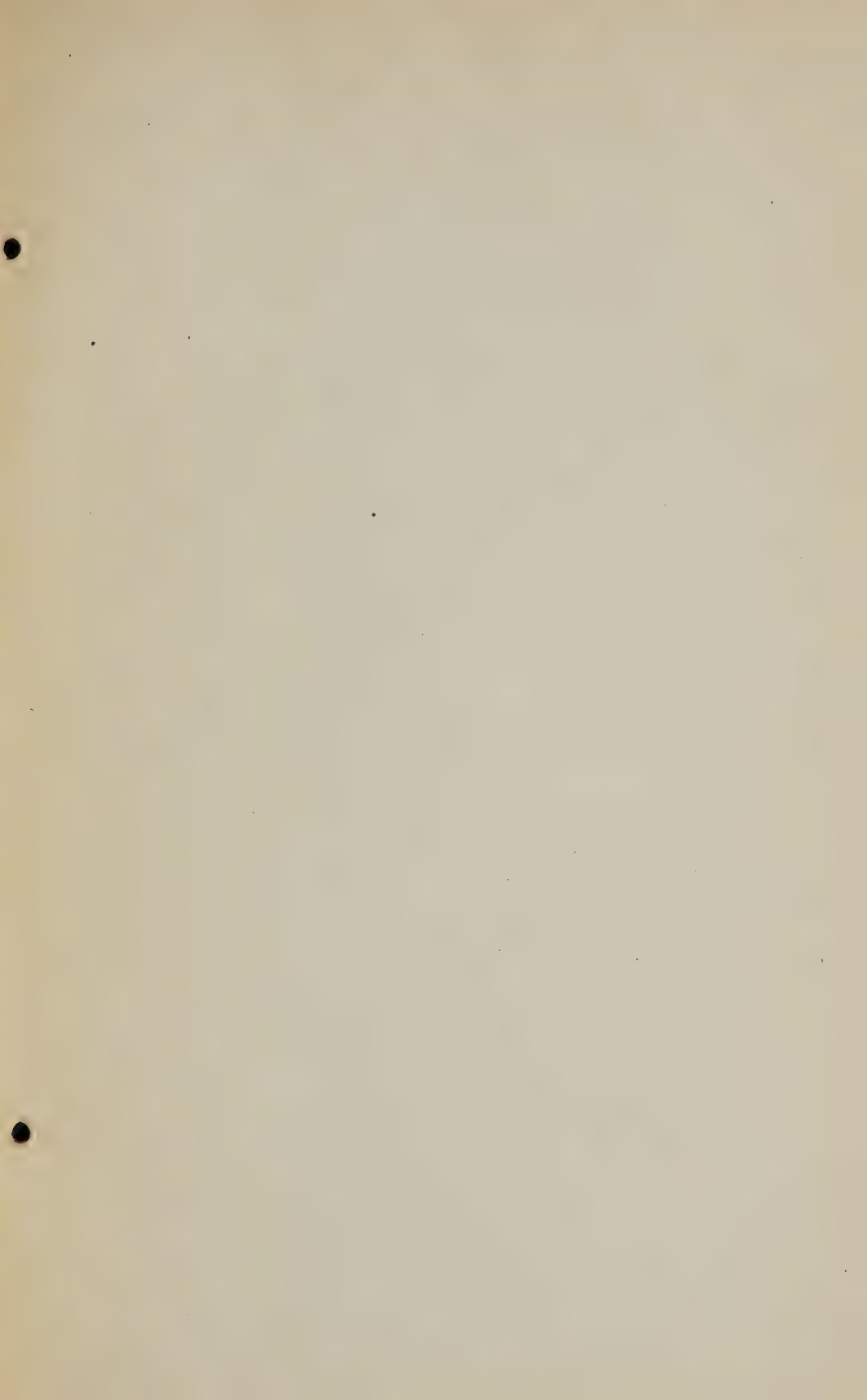
While State penal statutes are usually adequate to cover the subject of theft or larceny of a motor vehicle, where intent exists to steal or permanently deprive the owner of possession, such statutes are not always adequate to cover the offense of temporarily operating a motor vehicle without the consent of the owner. This latter offense, which is sometimes referred to as "joy riding," and temporarily deprives the owner of possession without his permission or consent, is therefore covered by section 32 of the act. The desirability is apparent of the provisions of section 33 with reference to receiving or transferring a stolen vehicle, section 34 with reference to injuring a vehicle, and section 35 with reference to tampering with a vehicle.

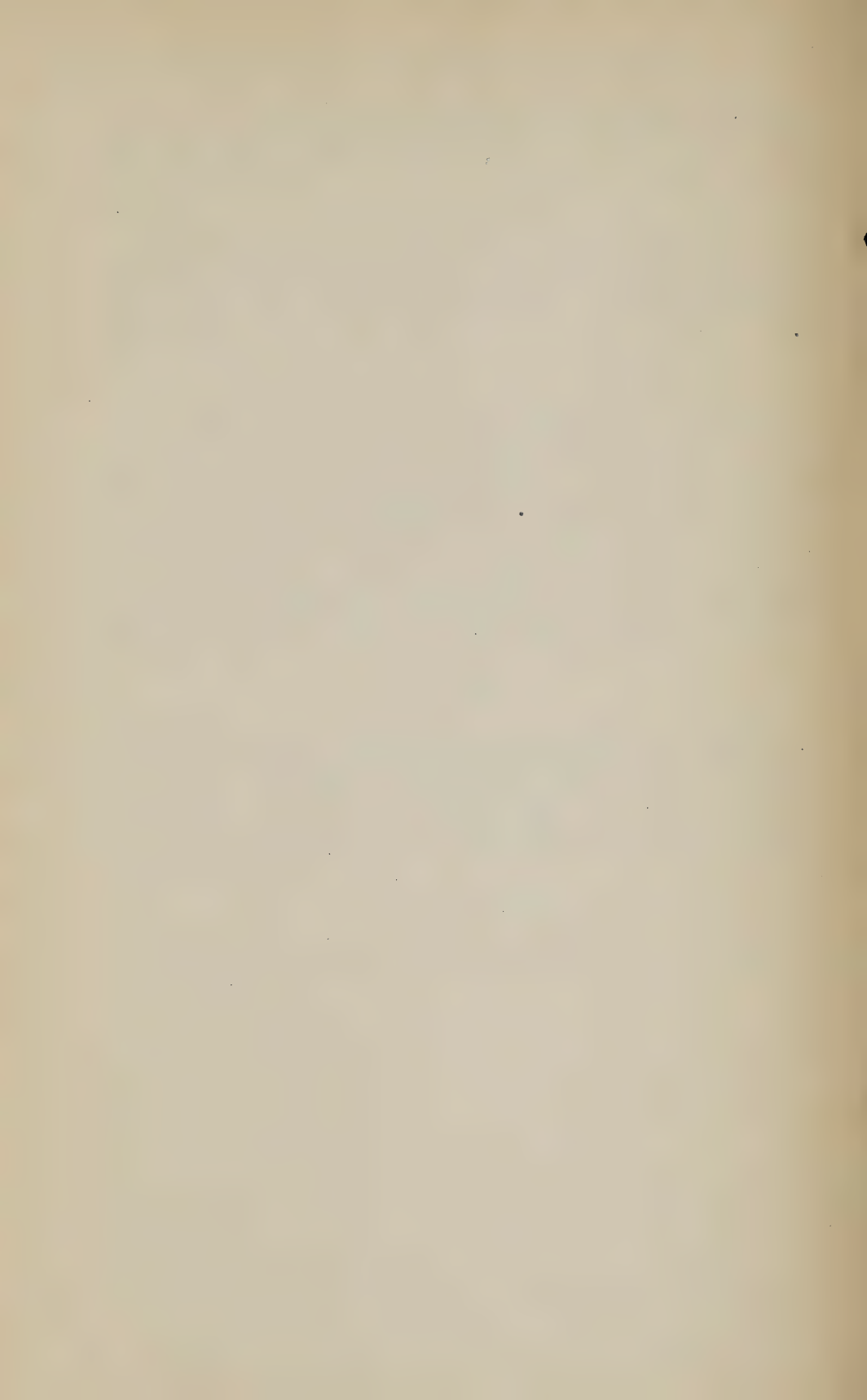
PENALTIES

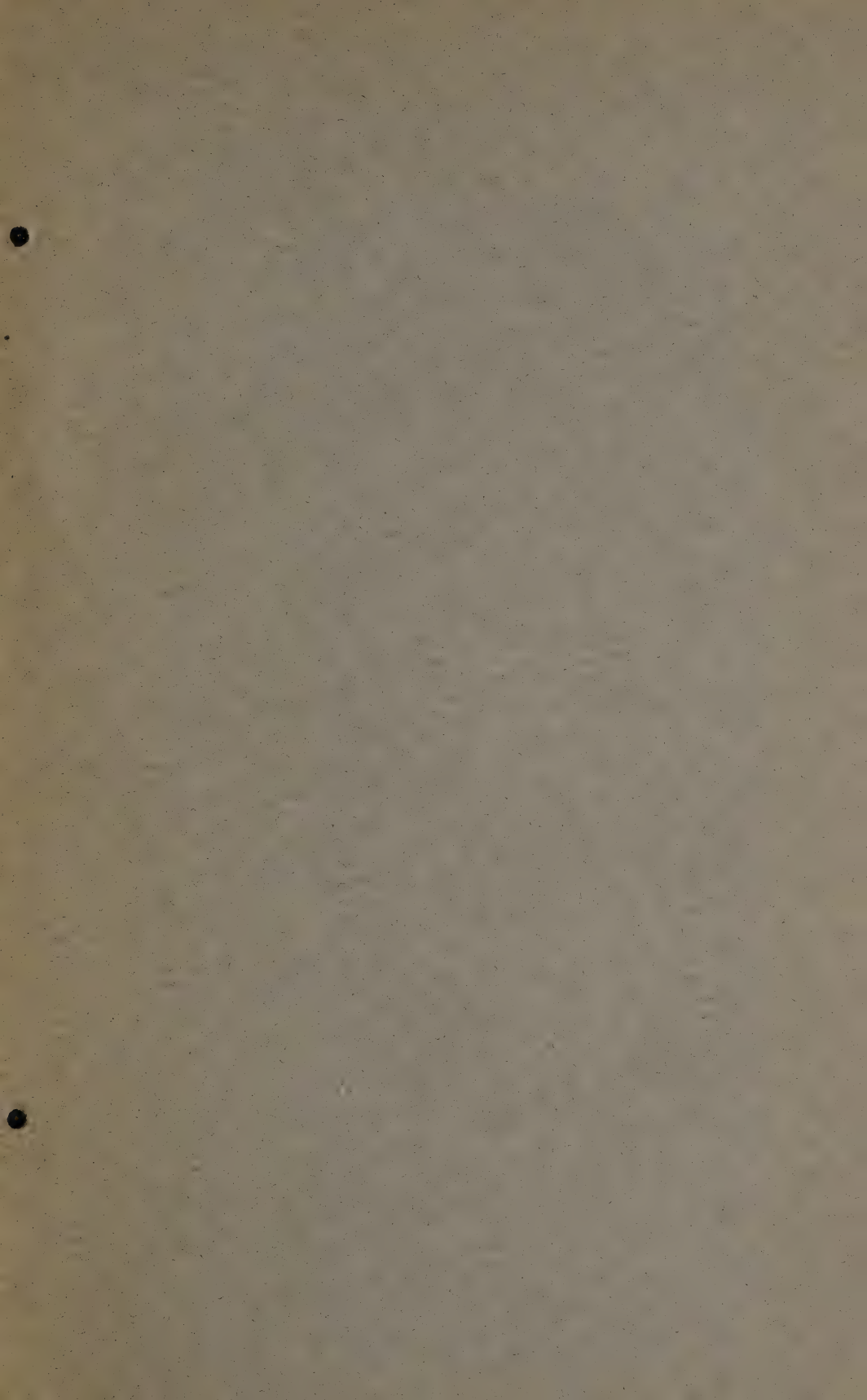
Sections 36 and 37 cover the matter of penalties for violations of this act. In accordance with the principle followed in the other three acts, two main classes of offenses are indicated, misdemeanors, and felonies. Maximum penalties are imposed for misdemeanors, but for felonies, both minimum and maximum, penalties are specified to provide reasonably adequate punishment for all convictions unless sentence is suspended.

EFFECT OF AND SHORT TITLE OF ACT

Sections 38 to 42 are standard provisions, the purposes of which are apparent.







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Act II

**UNIFORM MOTOR VEHICLE
ANTITHEFT ACT**

**UNITED STATES DEPARTMENT OF AGRICULTURE
BUREAU OF PUBLIC ROADS**

Act II

UNIFORM MOTOR VEHICLE ANTITHEFT ACT

This Act is part of a
Uniform Vehicle Code

CONSISTING OF

- I.—“A Uniform Motor Vehicle Registration Act”
- II.—“A Uniform Motor Vehicle Antitheft Act”
- III.—“A Uniform Motor Vehicle Operators’ and Chauffeurs’
License Act”
- IV.—“A Uniform Act Regulating Traffic on Highways”

As revised and approved by the Third National Conference on Street
and Highway Safety, May 27-29, 1930; the National Conference of
Commissioners on Uniform State Laws, August 11-16, 1930; and
the American Bar Association, August 20-22, 1930

U. S. DEPARTMENT OF AGRICULTURE
BUREAU OF PUBLIC ROADS



UNITED STATES
GOVERNMENT PRINTING OFFICE
WASHINGTON : 1932

PUBLISHED UNDER AUTHORITY CONTAINED IN
THE FEDERAL HIGHWAY ACT (42 STAT. 212)
APPROVED NOVEMBER 9, 1921

FOREWORD

The foundation of uniform traffic regulation is the State law. The proposed act here presented is one of four acts which constitute the uniform vehicle code proposed for State enactment.

The code was originally prepared in 1925-26 by the Committee on Uniformity of Laws and Regulations of the National Conference on Street and Highway Safety in cooperation with a committee of the National Conference of Commissioners on Uniform State Laws. It adopted many provisions of existing State laws, a thorough study of which had previously been made.

The proposed code was considered in detail and certain revisions were made by the Second National Conference on Street and Highway Safety held in March, 1926. It was subsequently indorsed by the Commissioners on Uniform State Laws and the American Bar Association.

President Hoover, as chairman of the National Conference on Street and Highway Safety, when the code was originally drafted in 1926, said:

"This proposed code was formulated with the widest cooperation of those having understanding and experience in these matters, with a view to advancing uniformity in our traffic laws and regulations. The urgency of such action requires no emphasis from me. It has been demanded from every State in the Union. Without uniformity in essential laws and regulations, reduction in loss of life, personal injury and property damage upon our streets and highways is virtually impossible."

The code has been adopted in whole or substantial part, or has been used as the basis for revision of existing motor vehicle laws, by approximately half of the States.

Subsequent to the issuance of the code and in response to widespread demand for further uniform standards for municipalities in matters not covered by the code, there were developed a model municipal traffic ordinance and a Manual on Street Traffic Signs, Signals, and Markings. The former, prepared by a committee of the conference in 1927-28, has been adopted in a substantial number of cities and towns, while three States, New Jersey, New York, and Wisconsin, have incorporated most of it in their State laws. The latter, prepared for the conference in 1927-30 by the American Engineering Council in harmony with the Manual of Standard Road Markers and Signs adopted for use on rural highways by the American Association of State Highway Officials and the United States Bureau of Public Roads, has also been followed in numerous municipalities.

There has thus been developed considerable experience in the actual operation of the code, ordinance and standard signs, signals, and markings. During 1929 and 1930 the committee on uniform

traffic regulation of the conference reviewed them in the light of this experience and of changed traffic conditions. The committee found that they have been distinctly successful, but recommended certain changes to meet present conditions more fully.

The important changes are not numerous. Among them are the inclusion in the code for State adoption of numerous provisions heretofore carried only in the model ordinance, improvement of the rules governing right of way and turns at intersections, modernization of the operating rules for wide roadways, broadening of the vehicle licensing reciprocity provisions to include commercial vehicles, simplified classification of permissible wheel and axle loads, and revision of the speed regulations to place more definitely upon the driver responsibility for operation at speed safe under the conditions.

Revised drafts of the code, ordinance and manual were given widespread distribution for the purpose of securing criticism and suggestions prior to the Third National Conference on Street and Highway Safety held on May 27-29, 1930. That conference, which was participated in by delegates from nearly every State in the Union, including official representatives appointed by the governors of 42 States, considered in detail the revised drafts and, after making certain further changes, unanimously approved and recommended them to the States and municipalities.

In August, 1930, the National Conference of Commissioners on Uniform State Laws and the American Bar Association at their annual meetings indorsed the revised drafts of the four acts with certain minor changes in legal phraseology which have been incorporated in this printing of the code.

The amended Act II (uniform motor vehicle antitheft act) is here presented.

Explanatory notes setting forth the purpose of each provision follow the text of the act.

ROBERT P. LAMONT,
Secretary of Commerce, Chairman
National Conference on Street and Highway Safety.

WASHINGTON, D. C., October 24, 1930.

Note: The following associations have cooperated with the Department of Commerce in organizing and financing the Conference: American Automobile Association, American Electric Railway Association, American Mutual Alliance, American Railway Association, Chamber of Commerce of the United States, Motor and Equipment Association, National Association of Taxicab Owners, National Automobile Chamber of Commerce, National Bureau of Casualty & Surety Underwriters, National Safety Council, and Rubber Manufacturers' Association. The Automobile Club of Southern California made substantial contributions to the staff work on the Uniform Vehicle Code.

ACT II.—UNIFORM MOTOR VEHICLE ANTITHEFT ACT

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ACT II.—UNIFORM MOTOR VEHICLE ANTITHEFT ACT

TITLE OF ACT

An act to require certificates of title for registered motor vehicles; to facilitate the recovery of stolen or unlawfully taken motor vehicles; to provide for the licensing of dealers in used motor vehicles, trailers or semitrailers; to prescribe the powers and duties of the vehicle department; to impose certain fees to carry out the purpose of this act; to impose penalties for violations of this act and to make uniform the law relating to the subject matter of this act.

Be it enacted * * *

ARTICLE I

DEFINITIONS OF TERMS AND APPLICATION OF ACT

SECTION 1. *Definitions.* The following words and phrases when used in this act shall, for the purpose of this act, have the meanings respectively ascribed to them in this section except in those instances where the context clearly indicates a different meaning:

(a) *Vehicle*.—Every device in, upon, or by which any person or property is or may be transported or drawn upon a public highway, excepting devices moved by human power or used exclusively upon stationary rails or tracks.

(b) *Motor vehicle*.—Every vehicle, as herein defined, which is self-propelled.

(c) *Used vehicle*.—Every motor vehicle, which has been sold, bargained, exchanged, given away, or title transferred from the person who first acquired it from the manufacturer or importer, dealer, or agent of the manufacturer or importer, and so used as to have become what is commonly known as “second hand” within the ordinary meaning thereof.

(d) *Person*.—Every natural person, firm, copartnership, association, or corporation.

(e) *Owner*.—A person who holds the legal title of a vehicle or in the event a vehicle is the subject of an agreement for the conditional sale or lease thereof with the right of purchase upon performance of the conditions stated in the agreement and with an immediate right of possession vested in the conditional vendee or lessee, or in the event a mortgagor of a vehicle is entitled to possession, then such conditional vendee or lessee or mortgagor shall be deemed the owner for the purpose of this act.

(f) *Manufacturer*.—Every person engaged in the business of manufacturing motor vehicles.

(g) *Dealer*.—Every person engaged in the business of buying, selling, or exchanging motor vehicles.

(h) *State*.—A State, Territory, organized or unorganized, or district of the United States of America.

(i) *Department*.—The department or branch of the government of this State charged by law with the duty of registering motor vehicles.

(j) *Commissioner*.—The officer of this State in charge of the department.

SEC. 2. *Application of act to certain vehicles—Exemptions*.—The provisions of this act shall apply to every motor vehicle required to be registered with the department under the laws of this State except any said vehicles owned by the Federal Government or by this State or any political subdivision thereof or any State institution or municipality in this State and excepting also any traction engine, road roller, or any motor cycle operated by a police officer in the performance of his duty as such officer.

ARTICLE II

CERTIFICATES OF TITLE AND REGISTRATION CARDS

SEC. 3. *Certificates of title must be obtained for registered vehicles*.—(a) The department shall not after [date] register or renew the registration of any motor vehicle, unless and until the owner thereof shall make application for and be granted an official certificate of title for such vehicle or present satisfactory evidence that a certificate of title for such vehicle has been previously issued to such owner by the department.

(b) The owner of a motor vehicle registered in this State shall not after [date] operate or permit the operation of any such vehicle upon any highway without first obtaining a certificate of title therefor from the department nor shall any person operate any such vehicle upon the highways knowing or having reason to believe that the owner has failed to obtain a certificate of title therefor and any person violating this subsection shall be punished as provided in section 19 of this act.

SEC. 4. *Application for a certificate of title*.—(a) The application for a certificate of title shall be made upon the appropriate form furnished or approved by the department and shall contain a full description of the motor vehicle including the name of the maker, the engine, and serial numbers and any distinguishing marks thereon and whether the vehicle is new or used, together with a statement of the applicant's title and of any liens or encumbrances upon said vehicle and the name and address of the person to whom the certificate of title shall be delivered and such other information as the department may require (and every application shall be accompanied by a fee of \$1, which shall be in addition to any fee charged for the registration of such vehicle).

Whenever a new motor vehicle is purchased from a dealer the application for a certificate of title shall include a statement of transfer by the dealer and of any lien retained by such dealer.

(b) The owner shall verify every application for a certificate of title before a person authorized to administer oaths, and officers and employees of the department designated by the [commissioner] are

hereby authorized to administer oaths and it is their duty to do so without fee for the purpose of this act.

SEC. 5. *Department to issue certificate of title.*—(a) The department shall maintain engine and serial number indexes of registered motor vehicles and upon receiving an application for a certificate of title shall first check the engine and serial number shown in the application against said index and against the stolen and recovered motor vehicle index required to be maintained by section 12 of this act. The department when satisfied that the applicant is the owner of the vehicle, shall thereupon issue in the name of the owner a certificate of title bearing a serial number and the signature of the commissioner and the seal of his office and setting forth the date issued and a description of the vehicle as determined by the department together with a statement of the owner's title and of all liens and encumbrances upon the vehicle therein described and whether possession is held by the owner under a lease, contract or conditional sale, or other like agreement. The certificate of title shall also contain, upon the reverse side, forms for assignment of title or interest and warranty thereof by the owner with space for notation of liens and encumbrances upon such vehicle at the time of a transfer. The department shall deliver the certificate of title to the person designated for that purpose in the application.

(b) Said certificate shall be good for the life of the vehicle so long as the same is owned or held by the original holder of such certificate.

SEC. 5½. *Registration cards.*—(a) The department upon registering a motor vehicle shall issue to the owner a registration card which shall set forth upon the face thereof the date issued, the registration number assigned to the owner and to the vehicle, the name and address of the owner, also a description of the registered vehicle, including the engine and serial numbers and with reference to every new vehicle hereafter sold in this State, the date of sale by the manufacturer or dealer to the person first operating such vehicle and such other statement of facts as may be determined by the department, and shall provide a space for the signature of the owner and upon the reverse side a form for indorsement of notice to the department upon a transfer of the vehicle.

(b) An owner upon receiving a registration card shall sign the usual signature or name of such owner with pen and ink in the space provided upon such card.

(c) The registration card issued for a vehicle shall at all times while the vehicle is being operated upon a highway within this State be in the possession of the operator or chauffeur thereof or carried in the vehicle and subject to inspection by any peace officer.

Note to Section 5½.—This section may be omitted from this act in those States where the uniform motor vehicle registration act, which contains identical provisions, is enacted.

SEC. 6. *Indorsement and delivery of certificate of title upon a transfer of title or interest.*—(a) The owner of a motor vehicle for which a certificate of title is required hereunder shall not, after [date], sell or transfer his title or interest in or to such vehicle unless he shall have obtained a certificate of title thereto nor unless having procured a certificate of title he shall in every respect comply with the requirements of this section and any person who violates the

provisions of this section shall be guilty of a misdemeanor and upon conviction shall be punished as provided in section 19 of this act.

(b) The owner who sells or transfers his title or interest in or to such motor vehicle after [date] shall indorse an assignment and warranty of title upon the certificate of title for such vehicle with a statement of all liens or encumbrances thereon (which statement shall be verified under oath by the owner) and the owner shall deliver the certificate of title to the purchaser or transferee at the time of delivering the vehicle.

(c) The transferee, except as provided in the next succeeding paragraph, shall thereupon present such certificate indorsed and assigned as aforesaid to the department (accompanied by a transfer fee of \$1) and make application for and obtain a new certificate of title for such vehicle.

(d) When the transferee of a vehicle is a dealer who holds the same for resale and operates the same only for purposes of demonstration under dealer's number plates, or when the transferee does not drive such vehicle nor permit such vehicle to be driven upon the highways, such transferee shall not be required to forward the certificate of title to the department, as provided in the preceding paragraph, but such transferee upon transferring his title or interest to another person shall execute [and acknowledge] an assignment and warranty of title upon the certificate of title and deliver the same to the person to whom such transfer is made.

(e) Whenever the ownership of any motor vehicle shall pass otherwise than by voluntary transfer, the new owner may obtain a certificate of title therefor from the department upon application therefor [and payment of a fee of \$1] accompanied with such instruments or documents of authority, or certified copies thereof, as may be required by law to evidence or effect a transfer of title or interest in or to chattels in such case. The department, when satisfied of the genuineness and regularity of such transfer, shall issue a new certificate of title to the person entitled thereto.

SEC. 7. *Department to maintain transfer file.*—(a) The department shall retain and appropriately file every surrendered certificate of title, such file to be so maintained as to permit the tracing of title of the vehicles designated therein.

(b) The department within 30 days after the taking effect of this act shall have printed copies of this act and shall mail a copy thereof with a blank form of application for a certificate of title to every owner of a registered motor vehicle in this State.

SEC. 8. *Refusal to issue certificate of title or register car or rescission of registration or certificate of title.*—If the department shall determine that an applicant for a certificate of title to a motor vehicle is not entitled thereto, it may refuse to issue such certificate or to register such vehicle, and in that event unless the department reverses its decision or its decision be reversed by a court of competent jurisdiction the applicant shall have no further right to apply for a certificate of title or registration on the statements in said application. The department may for a like reason after notice and hearing revoke registration already acquired or any outstanding certificate of title. Said notice shall be served in person or by registered mail. An appeal may be taken from any decision of the department as from the decision of a [justice of peace].

SEC. 9. *Duplicate certificates where original is lost.*—In the event of the loss of a certificate of title or registration card, the loss of which is accounted for to the satisfaction of the department, a duplicate or substitute may be issued (the charge therefor to be 50 cents).

SEC. 10. *Making false statement.*—It shall be unlawful for any person knowingly to make any false statement in any application or other document required by the terms of this act and any person violating this provision shall upon conviction be punished as provided in section 18.

SEC. 11. *Altering or forging certificate of title a felony.*—Any person who shall alter with fraudulent intent any certificate of title or registration card issued by the department, or forge or counterfeit any certificate of title or registration card purporting to have been issued by the department under the provisions of this act or who shall alter or falsify with fraudulent intent or forge any assignment thereof, or who shall hold or use any such certificate, registration card, or assignment knowing the same to have been altered, forged, or falsified, shall be guilty of a felony and upon conviction thereof shall be punished as provided in section 20 of this act.

ARTICLE III

SPECIAL ANTITHEFT PROVISIONS

SEC. 12. *Report of stolen, unlawfully taken or recovered motor vehicles.*—(a) Every county sheriff and every police commissioner and chief of police or peace officer of every jurisdiction, upon receiving information that a motor vehicle has been stolen or unlawfully taken or that a motor vehicle having been stolen or unlawfully taken has been recovered shall immediately report such information upon the appropriate official form to the department.

(b) The department shall file all such reports of stolen or unlawfully taken or recovered motor vehicles and appropriately index the same and shall also file similar reports received from other States. The department at least once each month shall either publish or post upon public bulletin boards in each of its offices a report of stolen or unlawfully taken and recovered motor vehicles and shall furnish copies of such records to every county sheriff and the police department in every municipality of over [] population within this State and shall forward copies of such records to the motor-vehicle department of each other State.

SEC. 13. *Altered or changed engine or serial numbers.*—(a) The owner of a motor vehicle, the engine or serial number of which has been altered, removed, or defaced, may, within 30 days from the date this act takes effect, make application in form prescribed by the department (accompanied by a fee of \$1) for a special number. He shall furnish such information as will satisfy the department that he is the owner, whereupon the department shall assign a special number for the motor vehicle preceded by a symbol indicating this State. A record of special numbers so assigned shall be maintained by the department.

The owner shall stamp said number upon the engine or otherwise as directed by the department and upon receipt by the department of a certificate by a peace officer that he has inspected and found

said number stamped upon the motor vehicle as directed in a workmanlike manner, together with application for a certificate of title, such special number shall be regarded as the engine or serial number of said motor vehicle.

(b) Any person who with fraudulent intent shall deface, destroy, or alter the engine or serial number of a motor vehicle or shall place or stamp other than the original engine or serial number upon a motor vehicle, or shall sell or offer for sale any motor vehicle bearing an altered or defaced engine or serial number or a number other than the original or a number assigned as above provided, shall be guilty of a felony and upon conviction shall be punished as provided in section 20 of this act.

This section is not intended to prohibit the restoration by the owner of an engine or serial number of a motor vehicle for which a certificate of title has been issued by this State, nor to prevent any manufacturer or importer, or agents, thereof, other than a dealer, from placing or stamping in the ordinary course of business, numbers on motor vehicles, or parts thereof removed or changed and replacing the numbered parts.

SEC. 13½. *Receiving or transferring stolen vehicles.*—Any person who with intent to procure or pass title to a motor vehicle which he knows or has reason to believe has been stolen or unlawfully taken shall receive or transfer possession of the same from or to another, or shall have in his possession any motor vehicle which he knows or has reason to believe has been stolen or unlawfully taken and who is not an officer of the law engaged at the time in the performance of his duty as such officer shall be guilty of a felony and upon conviction shall be punished as provided in section 20 of this act.

Note to section 13½.—This section may be omitted from this act in those States where the uniform motor vehicle registration act, which contains identical provisions, is enacted.

ARTICLE IV

LICENSES FOR DEALERS IN USED MOTOR VEHICLES AND AUTO THEFT FUND

SEC. 14. *Dealers in used vehicles must be licensed.*—(a) It shall be unlawful for any person from and after the [date] to carry on or conduct the business of buying, selling, or dealing in used motor vehicles, trailers, or semitrailers, unless licensed so to do by the department under the provisions of this act except that any manufacturer, or importer of motor vehicles or his subsidiary or selling agent may buy or take in trade and sell any used motor vehicle of his own make without such license.

(b) Application for a dealer's license required hereunder shall be made upon the form prescribed by the department and shall contain the name and address of the applicant and when the applicant is a partnership the name and address of each partner or when the applicant is a corporation the names of the principal officers of the corporation and the State in which incorporated and the place or places where the business is to be conducted and such other information as may be required by the department. Every such application shall be verified by the oath or affirmation of the applicant if an

individual or in the event the applicant is a partnership or corporation then by a partner or officer thereof.

(c) The department before issuing a license shall collect from the applicant a fee of [\$5] except that when application is made after July 1 of any year the fee for a license shall be [\$3].

SEC. 15. *Department to issue license certificate.*—(a) The department upon receiving an application for a license accompanied by the proper fee and when satisfied that the applicant is of good character and so far as can be ascertained has complied with and will comply with the laws of this State with reference to the registration of vehicles and certificates of title therefor, shall issue to the applicant a license certificate which shall entitle the licensee to carry on and conduct the business of a dealer in used vehicles during the calendar year in which the license is issued. Every such license shall expire on December 31 of each year and may be renewed upon application and payment of the fee required herein.

(b) The department may refuse to issue a license or after notice by registered mail to the licensee and a hearing may cancel a license when satisfied that the applicant for a license or the licensee has failed to comply with the provisions of this act.

(c) *Supplemental licenses.*—Any licensee before removing any one or more of his places of business or opening any additional place of business shall apply to the department for and obtain a supplemental license, for which no fee shall be charged.

SEC. 16. *Records of purchases and sales and possession of certificates of title.*—(a) Every licensee shall maintain a record in form as prescribed by the department of every used motor vehicle, trailer, or semitrailer bought, sold, or exchanged by the licensee or received or accepted by the licensee for sale or exchange which record shall contain a description of every said vehicle, including the name of the maker, type, engine and serial number, and other distinguishing marks and whether any numbers thereon have been defaced, destroyed, or changed and shall state with reference to each such vehicle the name and address of the person from whom purchased or received and when sold or otherwise disposed of by the licensee the name and address of the person to whom sold or delivered.

(b) Every licensee shall have in possession a separate certificate of title assigned to such licensee or other documentary evidence of his right to the possession of and for every motor vehicle in his possession.

SEC. 17. *Auto theft fund and enforcement.*—[The department shall deposit all fees and revenues received under this act in the State treasury and such moneys shall be placed in the auto theft fund, which is hereby created, and said fund shall be used and expended by and under the direction of the department in paying the expenses which it may incur in carrying out the provisions of this act. Initial expenses incurred hereunder may be paid in the first instance out of the registration fee receipts, the latter to be reimbursed as sufficient funds accrue under this act.]

The department is hereby authorized with the written approval of the governor to appoint all necessary deputies and other assistants to carry out the provisions of this act in addition to the present officers of the law and such deputies, assistants, and existing officers

of the law are hereby declared to be peace officers and are hereby given police power and authority throughout the State to arrest without writ, rule, order, or process, any person in the act of violating or attempting to violate in the presence of such officer any of the provisions of this act.

[Any money remaining in the auto theft fund and not expended or obligated at the end of each fiscal year shall thereupon be transferred to and deposited in the [State highway fund]].

ARTICLE V

PENALTIES

SEC. 18. *Punishment for false statement.*—Any person convicted of making a false statement in any application or document under section 10 of this act shall be punished by a fine of not more than [\$1,000] or imprisonment for not more than one year or by both such fine and imprisonment.

SEC. 19. *Penalty for misdemeanor.*—(a) It shall be a misdemeanor for any person to violate any of the provisions of this act unless such violation is by this act or other law of this State declared to be a felony.

(b) Unless another penalty is in this act or by the laws of this State provided, every person convicted of a misdemeanor for the violation of any provision of this act shall be punished by a fine of not more than [\$500] or by imprisonment for not more than six months, or by both such fine and imprisonment.

SEC. 20. *Penalty for felony.*—Any person who shall be convicted of a violation of any of the provisions of this act herein or by the laws of this State declared to constitute a felony shall, unless a different penalty is prescribed herein or by the laws of this State, be punished by imprisonment for a term not less than one year nor more than five years, or by a fine of not less than \$500 nor more than \$5,000 or by both such fine and imprisonment.

ARTICLE VI

EFFECT OF AND SHORT TITLE OF ACT

SEC. 21. *Uniformity of interpretation.*—This act shall be so interpreted and construed as to effectuate its general purpose to make uniform the law of those States which enact it.

SEC. 22. *Short title.*—This act may be cited as the uniform motor vehicle antitheft act.

SEC. 23. *Constitutionality.*—If any part or parts of this act shall be held to be unconstitutional, such unconstitutionality shall not affect the validity of the remaining parts of this act. The legislature hereby declares that it would have passed the remaining parts of this act if it had known that such part or parts thereof would be declared unconstitutional.

SEC. 24. *Repeal.*—The [existing certificate of title act, or anti-theft act] is hereby repealed and all acts or parts of acts inconsistent with the provisions of this act are hereby repealed.

SEC. 25. *Time of taking effect.*—This act shall take effect from and after the ——— day of ———.

MOTOR VEHICLE ANTITHEFT ACT

Although definite statistics are not available, it is well known that automobile accidents often involve stolen cars. The individual who steals a machine is likely to be a dangerous and reckless driver. He may not be accustomed to driving a car, or, if he is, he may be unfamiliar with the make or type he has stolen, and thus be a still greater menace to other persons using the road. After stealing an automobile, the thief is naturally fearful of detection and, therefore, drives with little or no thought for the safety of others, particularly when being pursued.

In recognition of the problem of stolen car accidents, the First National Conference on Street and Highway Safety stated that—

All of the States should adopt the principle of certification and registration of automobile titles as one of the most important and effective means for reducing thefts, and, by virtue of this result, owing to the causal relation between the theft and accident hazards, also a measure of improving the present public accident situation. This legislation should be uniform and should contain adequate provision for enforcement, with proper penalties for violation.

Automobiles attract thieves because in many localities they may be disposed of easily and with little risk. In some States they may be transferred and the vehicle be registered under the new owner's or supposed owner's name with practically no check on the actual ownership.

To meet the problem an antitheft act has been included in the uniform vehicle code. In considering the act, and particularly Article II, it may be borne in mind that the act includes several more or less independent provisions designed to prevent or discourage the theft of motor vehicles. Thus the certificate of title provisions could be omitted without invalidating the remainder of the act where the existing law already provides for such certificate or where it is deemed inadvisable to require it. However, it should be emphasized that the act has been drafted to deal with the whole subject in a comprehensive way, based on the best experience in States having title laws, and if enacted in its entirety will insure proper coordination of all provisions.

DEFINITIONS

Section 1 of the act consists of definitions. It is suggested that in considering the act its substantive matters be read first without prior detailed consideration of the definitions. Standing alone these definitions might raise numerous questions, but they are prepared to fit the context of the act. It is suggested that if, upon reading the provisions of the act, any question arises as to the meaning of any term employed, reference be made to the definition of the term to ascertain precisely its scope and sense as used in the act.

EXEMPTIONS

Section 2 exempts Government-owned cars under the act, the desirability of which is apparent. These two sections constitute Article I.

CERTIFICATES REQUIRED FOR REGISTERED VEHICLES

Section 3 requires that the owner of every motor vehicle, in order to have it registered or reregistered, must apply for and obtain a certificate of title or present satisfactory evidence that one has previously been issued to him by the vehicle department. To make this provision effective, subdivision (b) prohibits the operation of any vehicle without such certificate.

APPLICATION FOR CERTIFICATE

The application for a certificate of title requires certain information to be filed by a motor vehicle owner as outlined in section 4. This information, which furnishes a permanent record of the vehicle, is divided into two general classes—that whereby the vehicle itself can be positively identified and that affecting the owner's title to the vehicle. In the first class, besides the make and type of vehicle, are included the engine and serial numbers; in the second class, any liens or encumbrances against the vehicle.

All of this information is deemed necessary to determine whether the applicant is in fact the true owner of the vehicle and entitled to a certificate.

ISSUANCE OF CERTIFICATE

Section 5 provides that the vehicle commissioner, when satisfied that the applicant is the owner of the vehicle, shall issue a certificate of title containing the information required in the application therefor, with forms on the reverse side for assignment of title or interest.

The most important part of the section and, in fact, of the whole act, is the requirement that the department shall maintain an engine number index and a serial number index of registered motor vehicles, and shall check all applications against these indexes, as well as against the stolen, unlawfully taken, or recovered motor-vehicle index provided in section 12. The automobile thief can readily disguise the stolen car by altering or mutilating the engine and serial numbers, but with indexes of these numbers maintained by the vehicle department and checked against in the case of each application for a certificate and registration, the stolen car becomes unsalable.

Subdivision (b) of section 5 makes the certificate good for the life of the vehicle, provided it does not change owners. It is believed that the certificate plan should be regarded solely as a protection to vehicle owners, and not as a means of revenue.

REGISTRATION CARDS

Section 5½ treats of the issuing of a registration card to the owner. This section is unnecessary in those States where the uniform

motor vehicle registration act, which contains identical provisions, is enacted, or where the State law already contains them.

INDORSEMENT AND DELIVERY OF CERTIFICATE OF TITLE

The owner who sells or transfers his title or interest in a motor vehicle must follow a simple procedure, as embodied in section 6. In the transfer of the ownership the certificate of title must be indorsed by the owner to the transferee. The transferee thereupon presents the certificate to the department with application for a new certificate.

Sections 7, 8, and 9 give certain administrative powers to the department. Sections 10 and 11 deal respectively with the offenses of making a false statement and altering with fraudulent intent any certificate of title, the latter offense being designated a felony.

REPORT OF STOLEN, UNLAWFULLY TAKEN, OR RECOVERED MOTOR VEHICLES

County sheriffs and police officers are required under section 12 to report stolen or unlawfully taken cars to the department, which is required to index them by motor and serial numbers. The department is also required to file similar reports received from other States. This procedure is deemed important to centralize the information on stolen cars within the State and bring about coordination of action among the various States.

Sections 4 and 5, as previously pointed out, make it practically impossible to obtain a certificate of title for a motor vehicle with altered engine or serial numbers. It becomes necessary, therefore, to provide for a certificate and registration for the rightful owner of a stolen car whose number or numbers have been altered or mutilated. Section 13, therefore, provides for the assignment of a special engine or serial number to such rightful owner. Subdivision (b) of section 13 defines as a felony the act of a person who with fraudulent intent shall deface, destroy or alter any engine or serial number.

RECEIVING OR TRANSFERRING STOLEN VEHICLES

Section 13½ designates as a felony receiving or transferring stolen or unlawfully taken motor vehicles. The importance of such a provision is obvious.

LICENSES FOR DEALERS IN USED MOTOR VEHICLES AND AUTOMOBILE THEFT FUND

Inasmuch as used car dealers have opportunity either to assist in preventing the disposal of stolen or unlawfully taken vehicles, or, through negligence or lack of interest, to allow this to go on unhampered, it is deemed proper to require that they be licensed, and that they maintain records of purchases and sales and possession of certificates of title. Sections 14, 15, and 16 so provide.

A fund is created in section 17 wherein all fees and renewals received under the act shall be deposited, and such fund shall be

used in paying the expenses incurred by the act. This avoids any extra burden of expense being put upon the State.

Section 17 also authorizes the department with the written approval of the governor to appoint deputies to assist in carrying out the act.

PENALTIES

Penalties are covered in sections 18-20, dealing respectively with false statement, misdemeanor, and felony. In the case of felony, minimum as well as maximum penalties are specified; in the case of the other two offenses, maximum penalties only.

EFFECT OF ACT

Sections 21-25 are standard provisions, the desirability of which is apparent.

